

REMARKS

Responsive to the Office Action mailed 07 January 2009, the present paper is timely simultaneously with a Request for Continuing Examination under 37 C.F.R. § 1.114 on or before 07 April 2009.

By the present paper, claims 8 - 10 are cancelled and new claim 11 is presented. Claims 7 and 11 are in the Application.

Entry of the amendments, entry of the new claims, entry of the Request for Continuing Examination and reconsideration of the Application are respectfully requested.

The Claim Amendments:

Claim 7 is amended to point-out with even greater particularity that the cosmetic of the present invention contain more than a product of nature. The cosmetics include other components well-known in the art of cosmetic formulation and now recited in claim 7. Support for the claim amendments can be found in the specification at, for example, page 26, line 25, to page 27, line 18.

The New Claims:

New Claim 11 recites that the cosmetic contains a component obtainable from ancient salty water or ancient water and defines the components functionally according to the method(s) by which they are obtained. Support for new claim 11 can be found, for example, in the claims as filed in view of Applicants' disclosure at page 25, line 22 to page 26, line 1

Applicant respectfully submits that the new claims do not introduce new matter into the Application.

Claim Rejections Under 35 U.S.C. § 101:

Claims 1 - 6 were rejected under 35 U.S.C. § 101 as allegedly drawn to non-statutory subject matter. Claim 7 is amended to point-out with even greater particularity that Applicants do not claim a product of nature *per se*. Applicants respectfully submit that the present amendments to claim 7 moot this rejection.

Claim Rejections Under 35 U.S.C. § 112, paragraph second:

Claims 7 - 10 were rejected under 35 U.S.C. § 112, ¶2, as allegedly indefinite. Applicant respectfully submits that deletion of the allegedly indefinite language render the rejection moot.

Conclusion:

Applicant respectfully submits that, based on the foregoing amendments and remarks, the claims are now in condition for allowance, which allowance is earnestly solicited.

If, in the opinion of the Examiner, a telephone conference would advance prosecution of the Application, the Examiner is invited to telephone the undersigned attorneys.

Applicant respectfully submits that no fee is due with this paper. If in fact a fee is due, the Commissioner is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

Respectfully submitted,

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Enc. Translation of Paragraphs from JP 2002-2145737 and JP 2002-136271